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EXAMINER	
PHU, PHUONG M	
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2611	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/749,654	STASZEWSKI ET AL.	
	Examiner	Art Unit	
	Phuong Phu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *24-26 and 30* is/are allowed.

6)☒ Claim(s) *1,12-15,17,18,21 and 32* is/are rejected.

7)☒ Claim(s) *2-11,16,19,20,22,23,27-29 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 8/5/08. Accordingly, claims 1-32 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 recites the limitation "the receiver path comprises a history capacitor coupled to a rotating capacitor". It is unclear in the claim whether the output of "history capacitor" is coupled to the input of the "rotating capacitor", or the output of " rotating capacitor" is coupled to the input of the " history capacitor", and similarly, it is unclear about the functional/operational/structural of input/output of the combination of "a history capacitor and a rotating capacitor" with the input/output "receiver path".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 12 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenington (6,794,931), previously-cited.

-Regarding claim 1, Kenington discloses a circuit, (considered here equivalent witth the limitation "integrated transceiver circuit"), (see figure 7, col. 1, lines 66-67, col. 7, line 48 to col. 6, line 10)), comprising:

a digital polar transmitter path (comprising (312)) that provides an amplitude/phase signal (outputted from (312) from a digital input "Message Input Signal(s), the transmitter path including at least one digital predistorter (316, 314) that predistorts the digital input to mitigate nonlinearities associated with a power amplifier (216) (see col. 5, line 48 to col. 6, line 10);

a receiver path (comprising (712)) associated with the digital transmitter path (see col. 5, line 50 to col. 6, line 4);

a coupling element (710) that provides the signal from the transmitter path to the receiver path (see col. 5, lines 51-53); and

a signal evaluator (718, 726) that determines values for at least one parameter associated with the digital predistorter based on the signal (see col. 5, line 51 to col. 6, line 10).

-Regarding claim 12, Kenington discloses a circuit comprising elements shown in figure 7 except (216), (the transceiver circuit considered here equivalent with the limitation "integrated transceiver circuit"), and the power amplifier (216) external to the transceiver circuit, (the power amplifier considered here equivalent with the limitation "external power amplifier").

-Regarding claim 21, as similarly applied to claims 1 and 12 set forth above and herein incorporated, Kenington discloses a method (see figure 7) of calibrating a predistortion component in a system, comprising:

procedure (312) of providing a first digital signal to (314, 718), containing amplitude information related to a desired analog signal (RF OUTPUT), to a transmitter path (312, 216, 710);

procedure (312) of providing a second digital signal to (316, 726), containing phase information related to the desired analog signal, to the transmitter path;

procedure (314, 316) of predistorting at least one of the first digital signal and the second digital signal in the digital domain according to at least one predistortion parameter;

procedure (216) of generating an analog signal from the first digital signal and the second digital signal; and

procedure (comprising (710, 718, 726)) of processing the analog signal at a receiver path (comprising (710, 712)) associated with the transmitter path to determine values for the at least one predistortion parameter.

6. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by McCune et al (6,366,177), previously-cited.

-Regarding claim 1, McCune et al discloses a circuit (see figure 10, col. 5, lines 3-65), the circuit, (considered here equivalent with the limitation "integrated transceiver circuit "), comprising:

a digital polar transmitter path (1001, 1007) that provides a amplitude/phase signal (outputted from (1025a, 1025b)) from a digital input (1003), the transmitter path including at least one digital predistorter (1021, 1023, 1025a, 1025b, 1027, 1029) that predistorts the digital input to mitigate nonlinearities associated with a power amplifier (1007);

a receiver path (1031, 1033, 1011) associated with the digital transmitter path;

a coupling element (inherently included for splitting the output from (1007) to (1031, 1033) that provides the signal from the transmitter path to the receiver path; and

a signal evaluator (1031, 1033, 1011) that determines values for at least one parameter associated with the digital predistorter based on the signal.

-Regarding claim 12, McCune et al discloses that power amplifier comprising an external power amplifier (1007) that is external to the circuit (being the circuit shown in figure 10 except (1007)).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCune et al.

–Regarding claim 14, McCune et al discloses a the digital transmitter path comprising an amplitude modulated path (1023, 1025a, 1027) that controls the supply to the external amplifier according to a first input being an amplitude signal outputted from (1021), and a phase modulated path (1023, 1025b, 1029) that provides a radio frequency input (outputted from (1029) to the external power amplifier according to a second input being a phase signal outputted from (1021) (see figure 10).

McCune et al does not teach that the first and second input signals are digital, as claimed.

However, McCune et al teaches that the first and second input signals are generated from a Polar Signal Map (1021) (see figure 10).

Implementing a Polar Signal Map as a digital device for outputting digital signals is within skills of those in the art and well-known in the art, (that the examiner took Official Notice in the previous Office Action and assumed here being admitted by the applicant).

Since McCune et al does not teach in detail how the Polar Signal Map (1021) is implemented, it would have been obvious for one skilled in the art to implement Polar Signal Map as a digital device for providing the first and second input signals being digital signals, so that the first and second input signals would be obtained as expected.

-Regarding claim 17, the phase modulated path comprising a digital predistorter (1023, 1025b, 1029) that adjusts the second digital input to mitigate nonlinearities associated with the power amplifier (see figure 10).

9. Claims 1, 12, 13, 14, 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camp, Jr et al (6,191,653), previously-cited.

-Regarding claim 1, Camp, Jr et al discloses a circuit, (considered here equivalent with the limitation "integrated transceiver circuit"), (see figure 5, col. 3, line 8 to col. 4, line 38, col. 6, line 28 to col. 7, line 12), comprising:

a polar transmitter path (comprising (14, 30, 32)) that provides an amplitude signal (A(t)) being an input (A(t), the transmitter path including at least one predistorter (48, 34) that predistorts the input to mitigate nonlinearities associated with a power amplifier (30, 32);

a receiver path (comprising (42, 48)) associated with the transmitter path;

a coupling element (inherently included for splitting the output of (32) to (24) and 42)) that provides the signal from the transmitter path to the receiver path; and

a signal evaluator (48) that determines values for at least one parameter associated with the digital predistorter based on the signal.

Camp, Jr et al does not teach that the input (A(t)) is digital signal.

However, implementing a polar signal as a digital polar signal is within skilled of those in the art, and well-known in the art, (that the examiner took Official Notice in the previous Office Action, and is assumed here being admitted by the applicant).

Since Camp, Jr et al does not particularly specify the input signal is analog or digital, it would have been obvious for one skilled in the art to implement the input signal (A(t)) as digital signal outputted from (14, 22, 20) in order to obtain the input signal as expected.

Camp, Jr et al does not teach that the at least one predistorter is a digital predistorter, as claimed.

However, Camp, Jr et al teaches that circuit functions of the integrated transceiver circuit can be configurable in a digital fashion (see col. 3, lines 20-25).

Therefore, it would have been obvious for one skilled in the art to implement the at least one predistorter as a digital predistorter, as taught by Camp, Jr et al, in order to obtain the at least one predistorter as expected.

(With such those above implementation, in Camp, Jr et al, the polar transmitter path (comprising (14, 30, 32)) can be considered here equivalent with the limitation "digital polar transmitter path".)

-Regarding claim 12, Camp, Jr et al discloses that power amplifier comprising an external power amplifier (32) that is external to the integrated transceiver circuit (shown in figure 5) except (32).

-Regarding claim 13, Camp, Jr et al discloses that the power amplifier further comprising an internal power amplifier (30), the output of the internal power amplifier being provided to the external power amplifier (see figure 5).

-Regarding claim 14, Camp, Jr et al discloses that transmitter path comprising an amplitude modulated path comprising (14, 22, 34, 48, 36) that controls the supply to the external amplifier (32) according to a first digital input outputted from (44) or (22), and a phase modulated path comprising (14, 20, 26, 28) that provides a radio frequency input to the external power amplifier according to a second input ($\phi(t)$).

Camp, Jr et al does not teach that the second input (D(t)) is a digital signal, as claimed.

However, implementing a polar signal as a digital polar signal is within skilled of those in the art, and well-known in the art, and the examiner takes Official Notice.

Since Camp, Jr et al does not particularly specify the second input signal is analog or digital, it would have been obvious for one skilled in the art to implement the second input signal as digital signal outputted from (14, 20, 22) in order to obtain the second input signal as expected.

-Regarding claim 15, Camp, Jr et al discloses that phase modulated path comprising a digitally controlled oscillator (452, 458, 456, 450) (see figure 5).

-Regarding claim 18, Camp, Jr et al discloses that the amplitude modulated path comprises a digital predistorter (44, 46, 48, 34) that adjusts the first digital input to mitigate nonlinearities associated with the power amplifier (see figure 5).

-Regarding claim 21, as similarly applied to claims 1, 12, 13, 14, 15, 18 set forth above and herein incorporated, Camp, Jr et al teaches method (see figure 5) of calibrating a predistortion component in a system, comprising:

procedure (14, 22) of providing a first signal (A(t)), containing amplitude information related to a desired analog signal outputted from (32), to a transmitter path;

procedure (14, 20) of providing a second digital signal (D(t)), containing phase information related to the desired analog signal, to the transmitter path;

procedure (comprising (48, 34)) of predistorting at least one of the first signal and the digital signal according to at least one predistortion parameter;

procedure (32) of generating an analog signal from the first signal and the second signal; and

procedure (42, 48) of processing the analog signal at a receiver path associated with the transmitter path to determine values for the at least one predistortion parameter.

Camp, Jr et al does not teach that the first signal and second signal are digital, as claimed.

However, implementing polar signals as digital polar signals is within skilled of those in the art, and well-known in the art, and the examiner took Official Notice in the previous Office Action.

Since Camp, Jr et al does not particularly specify the first and second input signal is analog or digital, it would have been obvious for one skilled in the art to implement the first and

second signals as digital signals outputted from (14, 22, 20) in order to obtain the first and second signals as expected.

Camp, Jr et al does not teach the procedure of predicting is processed in a digital domain, as claimed.

However, Camp, Jr et al teaches that circuit functions of method can be configurable in a digital fashion (see col. 3, lines 20-25).

Therefore, it would have been obvious for one skilled in the art to implement the procedure of predistorting as a digital process, as taught by Camp, Jr et al, in order to obtain the predistortion as expected.

Allowable Subject Matter

10. Claims 24-26 and 30 are allowed.

11. Claims 2-11, 16, 19, 20, 22, 23, 27-29 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed on 8/5/08 have been fully considered but they are not, im part, persuasive.

-As results, claims 2-11, 16, 19, 20, 22-30 and 31 are indicated allowable set forth above.

-Claim 32, after amended, are still rejected, under 35 U.S.C. 112, second paragraph, because of reasons set forth above in this Office Action.

-Applicant's arguments with respect to claims 1, 12-15, 17, 18 and 21, are not persuasive.

(1) Regarding reference Kenington:

(i) The applicant mainly argues that with respect to claim 1, Kenington does not teach the limitations "an integrated transceiver circuit" and "a receiver path associated with the digital transmitter path".

The examiner respectfully disagrees. As explained above in this Office Action, Kenington teaches a circuit, (shown in figure 7). This circuit is considered here equivalent with the limitation "an integrated transceiver circuit" because the limitation is given a broad meaning just as a circuit, and therefore considered being disclosed by Kenington circuit. Note that the recitation "integrated transceiver" is not given patentable weight over Kenington circuit since the recitation occurs in the preamble and the body of the claim does not depend on the preample for completeness but, instead, the process steps or structural limitations are able to stand alone. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). It is noted that claim 1 does not have other recitations to further describe the "integrated transceiver circuit" in order to make it distinguishable from Kenington circuit.

Kenington further teaches a digital polar transmitter path (comprising (312, 316)); and a receiver path (comprising (712)) associated with the digital transmitter path for receiving signals from a coupler (710) coupled between the digital transmitter path and the receiver path (see col. 5, line 50 to col. 6, line 4). The receiver path is considered here equivalent with the limitation "a receiver path associated with the digital transmitter path". It is noted that claim 1 does not have

other recitations to further describe the "receiver path" in order to make it distinguishable from Kenington receiver path.

(ii) The applicant mainly argues that with respect to claim 21, Kenington does not teach the limitations "a transceiver system" and "a receiver path associated with the digital transmitter path".

Similarly, the examiner disagrees. Kenington teaches a system, (shown in figure 7). This circuit is considered here equivalent with the limitation "transceiver system" because the limitation is given a broad meaning just as a system, and therefore considered being disclosed by Kenington system. Note that the recitation "transceiver" is not given patentable weight over Kenington system since the recitation occurs in the preamble and the body of the claim does not depend on the preample for completeness but, instead, the process steps or structural limitations are able to stand alone.

Kenington further teaches a transmitter path (comprising (312, 316)); and a receiver path (comprising (712)) associated with the digital transmitter path for receiving signals from a coupler (710) coupled between the digital transmitter path and the receiver path (see col. 5, line 50 to col. 6, line 4). The receiver path is considered here equivalent with the limitation "a receiver path associated with the digital transmitter path".

(iii) with respect to claim 12, the applicant did not argue why Kenington does not teach the limitations further claimed in the respective claim. The claim's rejections, therefore, is maintained and repeated as set forth above in this Office Action.

(2) Regarding reference McCune et al:

(i) The applicant mainly argues that with respect to claim 1, McCune et al does not teach does not teach the limitations "an integrated transceiver circuit" and "a receiver path associated with the digital transmitter path".

The examiner respectfully disagrees. As explained above in this Office Action, McCune et al teaches a circuit, shown in figure 10. This circuit is considered here equivalent with the limitation "an integrated transceiver circuit" because the limitation, during prosecution, is given a broad meaning just as a circuit, and therefore considered being disclosed by McCune et al circuit. McCune et al further teaches a digital polar transmitter path (comprising (1001, 1007)); and a receiver path (comprising (1031, 1033, 1011)) associated with the digital transmitter path, as shown in the figure. The receiver path is considered here equivalent with the limitation "a receiver path associated with the digital transmitter path".

(ii) with respect to other claims 12, 14, 17, the applicant did not argue why McCune et al does not teach the limitations further claimed in the respective claims. The claims' rejections, therefore, are maintained and repeated as set forth above in this Office Action.

(3) Regarding reference Camp, Jr et al:

(i) The applicant mainly argues that with respect to claim 1, Camp, Jr et al does not teach does not teach the limitations "an integrated transceiver circuit" and "a receiver path associated with the digital transmitter path".

The examiner respectfully disagrees. As explained above in this Office Action, Camp, Jr et al teaches a circuit, shown in figure 5. This circuit is considered here equivalent with the limitation "an integrated transceiver circuit" because the limitation, during prosecution, is given a broad meaning just as a circuit, and therefore considered being disclosed by Camp, Jr et al

circuit. Camp, Jr et al further teaches a digital polar transmitter path (comprising (14, 30, 32)); and a receiver path (comprising (42, 48)) associated with the digital transmitter path, as shown in the figure. The receiver path is considered here equivalent with the limitation "a receiver path associated with the digital transmitter path".

(ii) The applicant mainly argues that with respect to claim 21, Camp, Jr et al does not teach the limitations "a transceiver system" and "a receiver path associated with the digital transmitter path".

Similarly, the examiner respectfully disagrees. As explained above in this Office Action, Camp, Jr et al teaches a system, shown in figure 5. This system is considered here equivalent with the limitation "a transceiver system" because the limitation, during prosecution, is given a broad meaning just as a system, and therefore considered being disclosed by McCune et al system. McCune et al further teaches a digital polar transmitter path (comprising (14, 30, 32)); and a receiver path (comprising (42, 48)) associated with the digital transmitter path, as shown in the figure. The receiver path is considered here equivalent with the limitation "a receiver path associated with the digital transmitter path".

(iii) The applicant mainly argues that with respect to claim 15, Camp, Jr et al does not teach the limitations "a digitally controlled oscillator".

The examiner respectfully disagrees. As explained above in this Office Action, Camp, Jr et al teaches a digitally controlled oscillator (comprising (452, 458, 456, 450) being controlled by a digital signal (Zi(t)), (see col. 5, lines 7-12, col. 6, lines 39-44) , (the digitally controlled oscillator considered here equivalent with the limitation "a digitally controlled oscillator". It is

noted that claim 15 does not have other recitations to further describe the "digitally controlled oscillator" in order to make it distinguishable from Camp, Jr et al digitally controlled oscillator.

(iv) with respect to other claims 12, 13, 14, 18, the applicant did not argue why Camp, Jr et al does not teach the limitations further claimed in the respective claims. The claims' rejections, therefore, are maintained and repeated as set forth above in this Office Action.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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